

REMARKS

The Applicants do not believe that entry of foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated March 26, 2004 has been received and considered by the Applicants. Claims 1-10 are pending in the present application for invention. Claims 1-10 are rejected by the March 26, 2004 Office Action.

The Abstract of the disclosure has been objected to because of informalities. The foregoing amendment to the specification has corrected this oversight.

The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figures 1-2F, and 4. The Examiner states that a descriptive textual label for each numbered element in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. The Applicants concur with the Examiner regarding Figure 4 and a red-lined drawing for Figure 4 is submitted herewith. However, Figures 1 and 2 do not lend themselves to textual labels, therefore, the Applicants assert that textual labels should not be required for Figures 1 and 2.

The Applicant, respectfully, asserts that 37 CFR 1.77(b), does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. Accordingly, the Applicants, respectfully, decline to make the modification suggested by the Examiner because they are not necessary.

The Office Action rejects Claims 1-10 under the provisions of 35 U.S.C. §102(c) as being anticipated by U.S. Patent No. 6,522,333 B1 filed October 8, 1999, issued to Hatlelid et al. (hereinafter referred to as Hatlelid et al.). The Applicants, respectfully, point out that Hatlelid et al. teach visual representations that are used in communications between multiple parties and that the present invention relates to user profiles in electronic programming guides.

The Examiner states that Hatlelid et al. teach a remote communication through visual representations. The Examiner's position is that Hatlelid et al. teach the subject matter of the user profile by at col. 6, lines 13-19, the Applicants would like to point out

that the user profile that the Examiner refers to at col. 6, lines 13-19 of Hatlelid et al. is a personality type, which is not the same as a user profile.

The Examiner states that the corresponding shape to the user profile is taught by Hatlelid et al. at col. 6, lines 3-6. The Applicants would like to point out that the corresponding shape to the user profile that the Examiner refers to at col. 6, lines 3-6 of Hatlelid et al. is a visual representation of the user and not a visual representation of the user profile.

The Examiner states that the corresponding shape to the user profile having at least one icon representing a content item is taught by Hatlelid et al. at col. 6, lines 23-26. The Applicants, respectfully, point out that the content item that the Examiner refers to is a gesture button that invokes a gesture setting to a visual representation of the user and not a content item to the user profile.

The Examiner states that guarding the consistency between the user profile and the corresponding shape is taught by Hatlelid et al. at col. 5, lines 13-22, col. 7, lines 1-3, col. 19, lines 47-67, col. 20, lines 1-10, and col. 21, lines 20-44. The Examiner is reading the choreography sequence for the visual representation of the user as equivalent to guarding as recited by the present invention. Further, the Examiner is reading the personality setting taught by Hatlelid et al. at col. 6, lines 13-19 as equivalent to the consistency between the user profile and the corresponding shape; which shape is a visual representation of the user. The Applicant would like to point out that the various pieces, simply put, do not fit together. For instance, the Examiner is reading the corresponding shape as a visual representation of the user and then reads the gesture button on the icon representing a content item. The recited terms "shape" and "icon" are part of the same thing in the user profiles and the Examiner is reading two separate items, (1) the visual representation of the user and (2) the gesture button of user, on the single representation of the user profile that is recited by the rejected claims. Then the Examiner reads on the recited terminology "guarding the consistency between the user profile and the corresponding shape" the choreography sequence for the visual representation taught by Hatlelid et al.

The Applicants, respectfully, point out that Hatlelid et al. teach visual representations that are used in communications between multiple parties and that the

present invention relates to user profiles in electronic programming guides. Therefore, in an effort to move this case towards allowance, the independent Claims 1 and 4 to the present invention have been amended to clearly distinguish the present invention as recited by the amended claims from the teachings of Hatlelid et al. The claims as amended recite that "the user profile is at least based on content viewed by a user"; which is not disclosed, or suggested, by the teachings of Hatlelid et al. Accordingly, the claims as amended are believed to be allowable over Hatlelid et al.

Regarding Claims 2, 3 and 5-10, that depend from Claim 1 and 4 either directly or indirectly and further narrow and define those claims, Claims 2, 3 and 5-10, the above discussed amendment is believed to render the rejection to these claims moot.

New Claims 11-20 have been added by the foregoing amendment. These new claims recite subject matter that is detailed beginning on page 7, line 33 and proceeding through page 9, line 15 of the specification to the present invention. Accordingly, entry of these claims will not result in the introduction of new matter in to the present application for invention.

In an effort to move the present application for invention towards allowance, the Applicants have amended the claims to the invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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